

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 172 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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JAYANTIBHAI BAVABHAI SOLANKI

Versus

STATE OF GUJARAT

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Appearance:

MS SUBHADRA G PATEL for Petitioner

MS PUNANI AGP for Respondent No. 1, 2, 3

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 28/07/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

The petitioner challenges the order of preventive detention dated 6th November, 1998, made by the Commissioner of Police, Ahmedabad City, under the powers conferred upon him under sub-section (1) of section 3 of the Gujarat Prevention of Anti Social Activities Act, 1985 (hereinafter referred to as 'the Act').

The petitioner is alleged to be a 'dangerous person' within the meaning of section 2 (c) of the Act, and his activities are held to be prejudicial to the maintenance of law and order.

It appears that two offences punishable under Chapter-XVII of the IPC have been registered against the petitioner and three others. Two other accused were one Bharat Chauhan and Jatin @ Atul. The order of preventive detention made against the said Bharat Chauhan was revoked by the State Government. Similarly, the order of preventive detention made against the said Jatin Atul has also been revoked by the State Government. No reasons are assigned for revocation of the order of detention made against the aforesaid two co-accused of the petitioner. Since the said co-accused were detained for the same reasons and have been released, the present petition also requires to be given a fair treatment. In view of the revocation of the orders made against the co-accused of the petitioner, the continued detention of the petitioner is not warranted.

Petition is, therefore, allowed. The impugned order dated 6th November, 1998 (Annexure-A to the petition) is quashed and set aside. Rule is made absolute. The petitioner, unless is required to be detained in some other case, be released forthwith.

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JOSHI